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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/531,600 Confirmation No.: 3681
 Applicant(s): Frederick Richard Neason STEPHENS
 Filed: April 18, 2005
 Title: METHOD AND APPARATUS FOR MEASURING TISSUE PERFUSION
 TC/A.U.: Not yet assigned
 Examiner: Not yet assigned
 Docket No.: 87036-0004
 Customer No.: 24633

Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Sir:

This is in response to the Notice of Missing Requirements dated September 19, 2005, in the above-identified application.

1. **Combined Declaration and Power of Attorney:**

☒ **Enclosed.** This application was filed without an executed Declaration and Power of Attorney.

2. **Assignment:**

☒ An assignment of the invention to **Perfusion Diagnostics Pty Ltd** and a PTO Form-1595, Recordation Form Cover Sheet are filed concurrently under separate cover.

3. ☐ Applicant petitions for an extension of time, the fees for which are set forth in 37 C.F.R. § 1.17(a), for the total number of months checked below:

| Total Months Requested | Fee for Extension | Fee for Small Entity |
|---|-------------------|----------------------|
| <input checked="" type="checkbox"/> one month | \$ 120.00 | \$ 60.00 |
| <input type="checkbox"/> two months | \$ 450.00 | \$ 225.00 |
| <input type="checkbox"/> three months | \$ 1020.00 | \$ 510.00 |
| <input type="checkbox"/> four months | \$ 1590.00 | \$ 795.00 |
| <input type="checkbox"/> five months | \$ 2160.00 | \$ 1080.00 |

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02 FC:2251

60.00 Extension of time fee due with this request: \$ 60.00

If an additional extension of time is required, please consider this a Petition therefore.

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4. **Fee Calculation (37 C.F.R. § 1.16):**

| CLAIMS FOR FEE CALCULATION | | | | |
|--|-----------------|-----------------|-----------------|----------------|
| | Number Filed | Number Extra | at Rate of | Fees |
| Total Claims (37 C.F.R. §1.16(c)) | 32 - 20 = | 12 | \$ 50/25 ea = | 0.00 |
| Independent (Claims 37 C.F.R. §1.16(b)) | 2 - 3 = | 0 | \$ 200/100 ea = | 0.00 |
| Basic Filing Fee \$300/150 | | | | Paid 4/18/2005 |
| Utility Search Fee \$500/250 | | | | Paid 4/18/2005 |
| Examination Fee \$200/100 | | | | Paid 4/18/2005 |
| Utility Application Size Fee—for each additional 50 sheets that exceeds 100 sheets \$250/125 | | | | 0.00 |
| Declaration Surcharge under 37 C.F.R. § 1.16(e) | | | | 130.00 |
| Multiple Claim Fee \$360 | | | | 0.00 |
| One-Month Extension of Time | | | | 120.00 |
| TOTAL = | | | | 250.00 |
| Minus ½ for Small Entity | | | | 125.00 |
| TOTAL FILING FEE | | | | 125.00 |

5. **Fee Payment:**

☒ A check in the amount of \$ 125.00 is enclosed for fees noted above..

☐ Authorization is given to charge \$ _____ to Deposit Account 50-1349 for the fees due as specified above.

6. ☒ **Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-1349. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3)

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7. Other:

☒

Part 2 – Notification of Missing Requirements

☐

Information Disclosure Statement

☐

PTO-1449, __ documents as listed

☐

Preliminary Amendment

☐

Claim for Priority

☐

Certified copy of Priority Document

☐

Sequence Listing

If there are any questions regarding the above-captioned patent application, please contact applicant's representative at the number given below.

Respectfully submitted,

HOGAN & HARTSON LLP

Dated: December 19, 2005

HOGAN & HARTSON LLP

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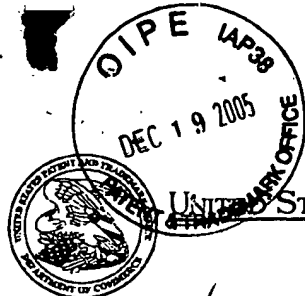
By: Thomas W. Edman

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.

FIRST NAMED APPLICANT

ATTY. DOCKET NO.

10/531,600

Frederick Richard Neason Stephens

87036-0004

INTERNATIONAL APPLICATION NO.

PCT/AU03/01379

I.A. FILING DATE

PRIORITY DATE

10/17/2003

10/17/2002

24633

HOGAN & HARTSON LLP
 IP GROUP, COLUMBIA SQUARE
 555 THIRTEENTH STREET, N.W.
 WASHINGTON, DC 20004

HOGAN & HARTSON L.L.P.

SEP 22 2005

IP DOCKETING DEPT.

CONFIRMATION NO. 3681

371 FORMALITIES LETTER



OC000000017034901

Date Mailed: 09/19/2005

Resp to MISSING Reg Due 11/19/05

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 04/18/2005
- Copy of the International Search Report filed on 04/18/2005
- Preliminary Amendments filed on 04/18/2005
- Information Disclosure Statements filed on 04/18/2005
- Small Entity Statement filed on 04/18/2005
- Request for Immediate Examination filed on 04/18/2005
- U.S. Basic National Fees filed on 04/18/2005
- Priority Documents filed on 04/18/2005
- Specification filed on 04/18/2005
- Claims filed on 04/18/2005
- Abstracts filed on 04/18/2005
- Drawings filed on 04/18/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/531,600 | PCT/AU03/01379 | 87036-0004 |

FORM PCT/DO/EO/905 (371 Formalities Notice)